In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 10767 of 2006

Date of Decision: 01.12.2006

Harminder Singh

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. S.K. Sud, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana,
for respondent No. 1.

Mr. Jagdish Manchanda, Advocate,
for respondent No. 2.

Mr. Sushil Gautam, Advocate,
for Mr. Gurpreet Singh, Advocate,
for respondent No. 3.

Mr. Rajesh Lamba, Advocate,
for respondent Nos. 4 and 5.

JUDGMENT

M.M. KUMAR, J. (Oral)

This petition filed under Article 226 of the Constitution prays for quashing order dated 10.6.2006 (P-7) to the extent it recommends the name of junior of the petitioner, namely, Shri

Gulshan Kalra-respondent No. 2, to undergo Station Fire Officer Course at National Fire Service College, Nagpur-respondent No. 3. It is conceded position that the name of Shri Gulshan Kalra was also recommended by respondent No. 1 on 19.5.2006 (P-6) along with the petitioner. The name of the petitioner appeared in the list of recommendees at Sr. No. 2 and that of Gulshan Kalra (respondent No. 2) appeared at Sr. No. 3.

During the course of arguments the original file containing the application form of the petitioner as well as Shri Gulshan Kalra-respondent No. 2 has been produced before us. For some mysterious reasons the form on the record of respondent No. 3-National Fire Service College is incomplete as only first two pages appear to have been filled up whereas the original form contain six pages. The petitioner is stated to have filled up only first two pages upto Column 11. The name of the petitioner was recommended by the Director, Urban Development, Chandigarh, on 19.5.2006 at Sr. No. 2. However, it has not been accepted by respondent No. 3 i.e. the National Fire Service College, Nagpur, apparently for the reason that his application form was incomplete and not for the reason that it does not meet the eligibility criteria of respondent No. 3.

Without going into the question as to at which stage the form of the petitioner has been tampered with, we direct respondent No. 4 to accept a new form from the petitioner in duplicate and the newly filled form of the petitioner be sent to the Director with one advance copy to respondent No. 3. The needful shall be done within

two weeks and on the receipt of the recommendation made by respondent No. 4, the Director shall also forward the name of the petitioner to respondent No. 3 - the National Fire Service college, Nagpur within next two weeks. The aforementioned exercise is being undertaken so as to depute the petitioner to the Station Fire Officer Course which is commencing in January, 2007. However, the benefit of the course would be available to the petitioner retrospectively and he would be deemed to have passed the same with effect from the date persons like Shri Hari Singh Saini and Shri Gulshan Kalra have passed with all consequential benefits to the petitioner as well.

At this stage, Mr. Rajesh Lamba, learned counsel for respondent Nos. 4 and 5 states that the name of the petitioner has already been recommended and he is to be relieved on 3.12.2006 for joining the course with respondent No. 3-National Fire Service College at Nagpur. If that be so, then the petitioner would remain entitled to the benefit reflected in the earlier part of the order.

In view of the above, the writ petition stands disposed of with liberty to the petitioner to move any application with regard to the consequential benefits if such a necessity arises.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

December 1, 2006
JUDGE

Pkapoor